



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

DOUGLAS HANDSHOE)	PLAINTIFF
)	
v.)	CIVIL ACTION NO. 1:14CV159 KS-MTP
)	
DANIEL G. "DANNY" ABEL,)	
CHRIS YOUNT, RAMONA FERNANDEZ,)	
JANEY LAMAR AND STUART SMITH)	DEFENDANTS
LAW CLINIC DBA LOYOLA)	
UNIVERSITY NEW ORLEANS)	

MEMORANDUM IN SUPPORT OF MOTION FOR CONTEMPT

MAY IT PLEASE THE COURT

Plaintiff Douglas Handshoe presents this memorandum in support of his Motion for Contempt. In its order dated September 14, 2015 this Court well recited the procedural background in this instant matter and ordered that Defendant Chris Yount:

On or before October 14, 2015, Defendant Yount shall pay to Plaintiff the sum of \$211.30.

On October 15, 2015 after not complying with the previous order of this Court Mr. Yount instead filed a Motion requesting permission to place the amount he was ordered to be pay to Plaintiff "into the registry of the clerk of court". After receiving Mr. Yount's Motion via the ECF system on October 15, 2015, Plaintiff sent an amicable, courtesy email to Mr. Yount asking that he comply with the previous order of this Court and remit the \$211.30 to Plaintiff via overnight courier service. Mr Yount has neither responded to the email nor fulfilled his obligation pursuant to the order of this Court.

On October 21, 2015 Plaintiff filed a Motion and Memorandum with the Court which the Court construed as opposition to Mr. Yount's Motion of October 15, 2015. On the same date this Court again ordered Defendant Yount to immediately pay Plaintiff \$211.30. Following the

issuance of the order of October 21, 2015 Plaintiff again sent an amicable, courtesy email to Mr. Yount asking that he comply with the previous order of this Court and remit the \$211.30 to Plaintiff. Mr. Yount has neither responded to the second Plaintiff email nor fulfilled his obligation pursuant to the orders of this Court.

Judicial authority to cite a litigant for contempt of court is well settled. Moreover, the power to punish acts of contempt has been recognized as inherent in all courts.¹ This authority originates from the necessity for enforcing court orders and judgments, as well as maintaining order in the court. Therefore “Courts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum, in their present, and submission to their lawful mandates.”²

“A party commits contempt when he violates a definite and specific order of the court requiring him to perform or refrain from performing a particular act or acts with knowledge of the court's order.”³ Mr. Yount, by his very actions, has willfully ignored a direct order of this Honorable Court.

PRAYER FOR RELIEF

Because Mr. Yount is unwilling to comply with the previous orders of this Court, Plaintiff prays this Honorable Court, issue an order compelling Mr. Yount to personally appear before it to show cause why he should not be found in contempt for his failure to satisfy the money judgment that is the subject of this motion or that this Honorable Court, in its sound

¹ *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991)

² *Chambers v. NASCO, INC.*, 501 U.S. 32, 43 (1991) quoting *Anderson v. Dunn*, 19 U.S. (6 Wheat) 204, 227 (1821)

³ *Travelhost, Inc. v. Blandford*, 68 F.3d at 958, 961 quoting *Securities and Exchange Commission v. First Financial Group of Texas, Inc.*, 659 F.2d 660, 669 (5th Cir.1981)

discretion, take whatever action that it may deem necessary to effectuate the enforcement of its orders entered on September 14th, 2015 and October 21st, 2015

Respectfully submitted this 3rd day of November, 2015,



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CERTIFICATE OF SERVICE

I, Douglas Handshoe, hereby certify that on November 3rd, 2015 the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification of such filing to the following ECF participants:

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Chris Yount
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I, Douglas Handshoe, certify I have sent a true and correct copy of the foregoing to the following via United States Mail:

Daniel G. Abel
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Respectfully submitted this 3rd day of November, 2015,



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